

Board of Health Meeting

2/10/2020

Present: Tyler Nims, Chairman, Mark MacDonald, Vice Chair, Paul Armstrong, Clerk, Bob Valery Director of Public Health, and Gary Russell Assistant Director.

The Board of Health Meeting opened at 6:00 p.m.

6:00 Vote re: Amendment to Marshfield Rules and Regulations; Chapter 670 Tobacco and Smoking and Chapter 670-15 Violations and Penalties.

Mr. Valery opened the meeting explaining that all the tobacco retailers in town had been visited and provided a hard copy of the Law that Governor Baker signed into effect on November 27, 2019. The newly-amended Massachusetts General Law Chapter 270, Section 6, subsection (d) reads as follows: "A person who violates this section shall be punished by a fine of \$1,000 for the first offense, \$2,000 for the second offense and \$5,000 for a third or subsequent offense."

Mr. Armstrong motioned the Board to change the current fines to the higher amounts so as to be compliant with the State.

BOH approves 3-0

6:15 Discussion: Properties not connected to Town Sewer.

Mr. Armstrong stated that the waivers have expired and the properties need to tie in. Mr. Valery will work with DPW Commissioner Tom Reynolds and Legal counsel to formulate a letter that will be sent to each residence ordering compliance.

Synthetic Marijuana.

Mr. Valery stated that in 2016 The Board had approved regulations for the sale of synthetic marijuana. The regulation had not been inserted into the Marshfield Charter and Code. The Board agreed to leave the regulation out as marijuana is now legalized this regulation is now obsolete.

6:25 Discussion: Odor nuisance complaint: SlackTide Residential Kitchen located at 274 Spring St. Owner/Fletcher Souba attending. Mr. Cullen presenting.

Mr. Cullen stated he is a neighbor who lives at 3 Cove Creek. Mr. Cullen explained in detail his allegations of an obnoxious/horrific acidic smell of coffee/burnt popcorn. Mr. Cullen also alleges that the smell rolls in and permeates his house; the strength of the odor seems to be wind direction related, and does not occur every day. Mr. Cullen also alleges his asthma has been exacerbated from the aroma. Mr. Valery added that Mrs. Cullen was unable to attend and wanted to verify the same allegations however she currently has no respiratory affects. To support his concerns of the effects on human health from coffee roasting Mr. Cullen

provided written “google” information from the State of Colorado air quality division and their findings on commercial plant operations. Mr. MacDonald stated it was more likely than not with “google searches” that quite different information could be found that may contradict the pass outs. Mr. Valery explained to the Board what he has found. The House on Cove Creek is 485 feet from the roasting area. Mr. Valery contacted DEP and provided them the make and model of the coffee roaster. DEP’s response was the roaster is nothing more than a type of kitchen appliance and as such is not regulated by our department. Mr. Valery contacted DPH whose response was they do not have the equipment to conduct air quality tests for outdoor nuisance odors. DPH did recommend venting above the roof line as this has helped in other types of odor complaints. Neither Department has ever had this complaint. Mr. Valery contacted former Director Peter Falabella who also has never has this kind of complaint and suggested to seek the advice of the Board. Mr. Cullen stated that the coffee is being sold commercially therefore the operation should not be allowed a Residential Kitchen Permit. Mr. Valery explained in accordance with 105 CMR 590.009 (D) the product meets the criteria to be produced in a kitchen that residential kitchens sell their products commercially, and there is no regulation on the quantity allowed to be produced.

Mr. Souba stated his partner Zack roasts regularly, has bad asthma, and has had no ill effects. Mr. Souba stated that he has worked hard to mitigate Mr. Cullen’s concerns once he found out. Mr. Souba has offered to roast at times most convenient for Mr. Cullen, has added charcoal filtering that is not mandated by the manufacturer, and has vented the stack above the roof line as requested by Mr. Valery. Mr. Souba also states that no other neighbors have complained to him, his parents live 15 feet away and they have no complaints.

Mr. Armstrong asks if the coffee could be roasted at their shop. Mr. Souba replied the shop is too small. Mr. Souba then goes on to explain the plan to move to a new location within 6-8 weeks as they have purchased a commercial roaster.

After much discussion Mr. MacDonald stated that Mr. Souba has taken the proper steps to help alleviate Mr. Cullen’s concerns. Mr. MacDonald asks Mr. Valery to see what he can do with zoning/Town Administrator to fast track the permit process so the operation can relocate as quickly as possible. Mr. Armstrong says he may want to visit the current roast site and Mr. Souba said no problem. Mr. Cullen states he can deal with the situation short term and agrees to this solution.

7:00 Discussion re: Pudding Hill Condominium. MAP G07 BLOCK 4 LOT 66. Variance Request from Marshfield Board of Health Rules and Regulations. Merrill Engineering/Josh Green presenting.

Mr. Green requests a variance from Marshfield Board of Health (Local) Rules and Regulations. Paragraph 2.4H procedure which requires that the current drinking water standards will be met at the down gradient property limit. Mr. Green states that the variance had been granted for the previous system and that even a single family home cannot meet this requirement. Mr. Green presents a full explanation of the proposed site for the SAS and that all abutters had been notified. Mr. Valery stated that only one neighbor had been in to inquire about the variance and the questions were addressed. The Alternative Technology Presby components that will be installed were discussed with great detail. Mr. Russell asks why the old system

may have failed. Mr. Green states there may be a lens of Glacial Till and upon excavation we can determine the need to dig deeper. Mr. Green also stated that there are many various contributing factors related to SAS failures.

Mr. Armstrong motions to approve the plan and the application for disposal system permit.

BOH approves 2-0 (Tyler Nimms abstains from vote)

Meeting adjourned at 8:15 PM.

Next meeting to be determined. Meeting concluded.